

Authority: Item 15, Planning and Economic
Development Committee
Report; 04-022 (PD04311)
CM: December 15, 04

Bill No. 336

CITY OF HAMILTON

BY-LAW NO. 04-336

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 3215 Binbrook Road West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton in adopting Item 15 of Report 04-022 of the Planning and Economic Development Committee at its meeting held on the 15th day of December, 2004, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook), approved by the Minister under the Planning Act on February 8, 1989;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing from the Restricted Agricultural "A2" Zone to the Multiple Residential "RM3-195" Zone, the land comprised of Block 1;

- (b) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4-193" Zone, the land comprised of Block 2;
- (c) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4-191" Zone, the land comprised of Block 3;
- (d) by changing from the Restricted Agricultural "A2" Zone to the Residential "R4-192" Zone, the land comprised of Block 4;
- (e) by changing from the Restricted Agricultural "A2" Zone to the Multiple Residential "RM2-194" Zone, the land comprised of Block 5;
- (f) by changing from the Restricted Agricultural "A2" Zone to the Institutional "I" Zone, the land comprised of Block 6;
- (g) by changing from the Restricted Agricultural "A2" Zone to the Public Open Space "OS2" Zone, the land comprised of Block 7; and,
- (h) by changing from the Restricted Agricultural "A2" Zone to the Open Space/Conservation "OS3" Zone, the land comprised of Block 8;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

"R4-191

Notwithstanding the regulations of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)** of **SECTION 16: RESIDENTIAL "R4" ZONE**, for those lands zoned modified "R4-191", the following regulations shall apply:

- (a) Minimum Lot Frontage..... .13 metres, except
15 metres for a corner lot
- (b) Minimum Lot Area390 square metres, except
450 square metres for a corner lot
- (c) Minimum Front Yard..... 4.5 metres to the dwelling, except 6.0
metres to the attached garage
- (d) Minimum Side Yard..... .1.2 metres, except:
 - (i) 0.6metres on the side of the dwelling with an attached garage.
 - (ii) On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on

the flankage street shall not be located within 6.0 metres of the flankage street line.

- (e) Minimum Rear Yard..... .7 metres
- (9) Maximum Height..... 10.7 metres
- (g) Minimum Floor Area Per Dwelling
 - (i) 1 Storey..... 70 square metres
 - (ii) 1 ½ Storey..... 80 square metres
 - (iii) 2 or 2 ½ Storeys..... 90 square metres

(h) Minimum Parking Requirements

Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned modified “R4-191”, the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.
- (ii) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres.
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 metres.
- (iv) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 metres.

“R4-192

Notwithstanding the regulations of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING) SUBSECTION 16.1** of **SECTION 16: RESIDENTIAL “R4” ZONE**, for those lands zoned modified “R4-192”, the following regulations shall apply:

- (a) Minimum Lot Frontage..... .11 metres, except
13 metres for a corner lot
- (b) Minimum Lot Area280 square metres, except
335 square metres for a corner lot
- (c) All other regulations of the Residential “R4 -191” Zone shall be applicable to those lands zoned Residential “R4-192” .”

“R4-193

Notwithstanding the regulations of Subsection 16.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING) SUBSECTION 16.1** of **SECTION 16: RESIDENTIAL “R4” ZONE**, for those lands zoned modified “R4-193”, the following regulations shall apply:

- (a) Minimum Lot Frontage..... .9 metres, except
11 metres for a corner lot
- (b) Minimum Lot Area 235 square metres, except
290 square metres for a corner lot
- (c) All other regulations of the Residential “R4 -191” Zone shall be applicable to those lands zoned Residential “R4-193”.

“RM2-194

Notwithstanding the regulations of Subsection 18.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLING) OF SUBSECTION 18.1** of **SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE**, for those lands zoned modified “RM2-194”, the following regulations shall apply:

- (a) Minimum Lot Frontage..... ..6 metres per dwelling unit, except
8 metres for a corner lot
- (b) Minimum Lot Area150 square metres, except
195 square metres for an end lot and
240 square metres for a corner lot
- (c) Minimum Front Yard..... 4.5 metres to the dwelling, except 6.0
metres to the attached garage
- (d) Minimum Side Yard..... 1.2 metres, except:
 - (iii) On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.
- (f) Minimum Rear Yard..... .7 metres
- (g) Maximum Height..... 10.7 metres
- (h) Minimum Landscaped Area.. ..30% of the lot area

(i) Planting Strip/Fencing

Notwithstanding the other provisions of this subsection, where the boundary of a residential Multiple "RM2" Zone adjoins lands zoned Existing Residential "ER or Residential "R1", "R2", "R3", or "R4", a planting strip with a minimum width of 1.5 metres and/or a solid fence with a height of 1.8 metres adjoining such boundary shall be provided and thereafter maintained.

(j) Dwelling Unit Placement

(i) Not more than 8 dwelling units shall be attached in a continuous row.

(k) Minimum Floor Area Per Dwelling

(i)	1 Storey.....	..70 square metres
(ii)	1 ½ Storey.....	..80 square metres
(iii)	2 or 2 ½ Storeys.....	..90 square metres

(l) Minimum Parking Requirements

Pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law.

In addition to the provisions of paragraphs (a) and (b) of Subsection 7.26 **ENCROACHMENT INTO YARDS**, on those lands zoned modified "RM2-194", the following regulations shall apply:

- (i) Covered porches may project into any required front yard a distance of not more than 3.0 metres.
- (ii) Bay windows either with or without foundations may project into any required front, rear, or flankage yards a distance of not more than 0.9 metres.
- (iii) Stairs may project into any required front yard a distance of not more than 4.5 metres.
- (iv) A covered porch may encroach into a required flankage yard a distance of not more than 1.8 metres."

"RM3-195

In addition to the Uses Permitted in Subsection 19.1 **PERMITTED USES** of **SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE**, for those lands zoned modified "RM3-195", Apartment Buildings shall be permitted in accordance with Section 20, Residential Multiple "RM4" Zone.

Notwithstanding the regulations of paragraphs (d) and (g) of Subsection 20.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (A) OF**

SUBSECTION 20.1 (APARTMENT BUILDING) of **SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE**, for those lands zoned "RM3-195", the following regulations shall apply for apartment buildings:

(a) Minimum Side Yard..... 2.4 metres

Notwithstanding the regulations of paragraphs (c), (e), (f) and (h) of Subsection 19.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (A) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)** of **SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE**, for those lands zoned modified "RM3-195", the following regulations shall apply:

(a) Minimum Side Yard..... 1.2 metres, except

(i) On a corner lot the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line.

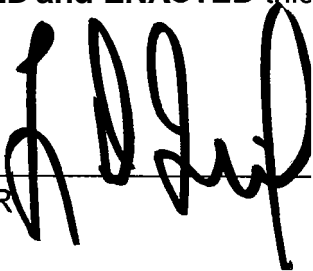
(b) Minimum Rear Yard..... 7.0 metres

(c) Minimum Floor Area Per Dwelling

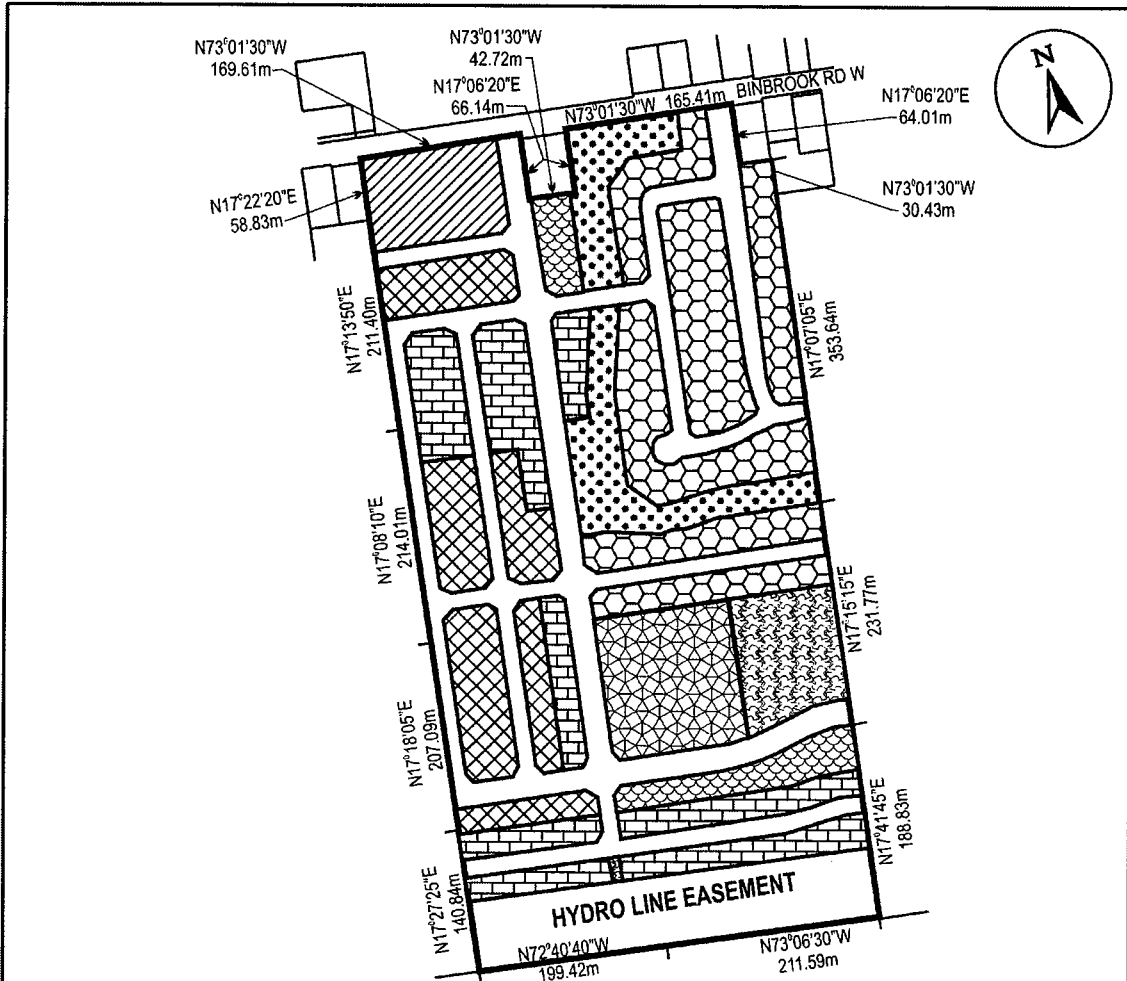
- (i) 1 Storey..... 70 square metres
- (ii) 1 ½ Storey..... 80 square metres
- (iii) 2 or 2 ½ Storeys..... 90 square metres

3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 15th day of December, 2004.

MAYOR 

CLERK 



This is Schedule "A" to By-Law No. 04 — 336

Passed the15th..... day of ..December..,2004

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 04-336
to Amend By-Law No. 464



- Subject Property**
3215 Binbrook Road West
- Block 1 - Change from Restricted Agricultural "A2" Zone to Multiple Residential "RM3-195" Zone
 - Block 2 - Change from Restricted Agricultural "A2" Zone to Residential "R4-193" Zone
 - Block 3 - Change from Restricted Agricultural "A2" Zone to Residential "R4-191" Zone
 - Block 4 - Change from Restricted Agricultural "A2" Zone to Residential "R4-192" Zone
 - Block 5 - Change from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-194" Zone
 - Block 6 - Change from Restricted Agricultural "A2" Zone to Institutional "I" Zone
 - Block 7 - Change from Restricted Agricultural "A2" Zone to Public Open Space "OS2" Zone
 - Block 8 - Change from Restricted Agricultural "A2" Zone to Open Space Conversation "OS3" Zone

North 	Scale: Not to Scale	File Name/Number: ZAC-04-68
	Date: October 25, 2004	Planner/Technician: MP/NB

T&C File Name: